

IN THE UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MICHAEL FAVATA,  
ET AL ,  
Plaintiffs

VS.

NATIONAL OILWELL VARCO, LP.,  
aka / fka BRANDT NOV  
Defendant

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CIVIL ACTION NO. 2:12-CV-00082  
Jury Trial

**PLAINTIFF'S EMERGENCY MOTION TO COMPEL  
DEFENDANT TO PRODUCE a LIST OF CLOSED LOOP OPERATORS  
EMPLOYED FROM MARCH 19, 2009, TO PRESENT**

Plaintiffs Michael Favata, Jerry Jurach, Jack Akin, Zack Hunter, Michael Mallett and Jorge Acosta, (hereinafter "Plaintiffs") individually and on behalf of oilier similarly situated current and past employees of Defendant National Oilwell Varco, LP (hereafter "Defendant"), file Plaintiffs' Emergency Motion to Compel Defendant to Produce a List of Closed Loop Operators Employed From March 19, 2009, to the present and would show the court as follows:

On April 2, 2013, the Court entered an Order granting Conditional Class Certification for Closed Loop Operators who worked in the Defendant's Corpus Christi Office of Texas Division employed from March 19, 2009, to the present. Plaintiffs are ordered to mail the Notice of Potential Plaintiffs to all current and former closed loop operators; and all potential plaintiffs have until June 7, 2013, to file their Notices of Consent 'opting in' to this litigation. (DE 82).

Plaintiffs do not have means to determine the names and contact information of potential Plaintiffs, as defendant has to date failed to provide such information.

Plaintiffs are asking the Court to require Defendant to produce the list of all current and former closed loop operators employed during any period from March 19, 2009, to present. Plaintiffs would ask the Defendant to produce the contact list of closed loop operators, with all known current and/or last known addresses, telephone numbers and the last four numbers of their social security numbers, for verification purposes, for each closed loop operator employed during any time period from March 19, 2009, to the present, to Plaintiffs' counsel on or before April 5, 2013, or any other immediate date determined by the Court, based on the mailout period and June 7 time opt in deadline.

WHEREFORE, PREMISES CONSIDERED, movant prays that the Court grant their Emergency Motion to Compel Defendant to Produce a List of Closed Loop Operators Employed during any period from March 19, 2009, to the present, and order the Defendant to produce the contact list of closed loop operators, with all current and/or last known addresses addresses, telephone numbers and the last four numbers of their social security numbers, for verification purposes, to Plaintiffs' counsel on or before April 5, 2013, or any other immediate date, determined by the Court. Plaintiffs pray for any and all other relief to which they may be entitled at law or equity.

Respectfully Submitted,

By:   
\_\_\_\_\_

Adam Poncio

Southern District No. 194847

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Pursuant to FRCP 37(a)(1), counsel for Plaintiff has in good faith attempted to confer with all three counsel for Defendant in an effort to obtain the discovery requested in this motion without court action and did not receive a return call so they could not agree about the disposition of this motion.

  
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Adam Poncio

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of April, 2013, a true and correct copy of the foregoing document was delivered to counsel as shown pursuant to the Federal Rules of Civil Procedure:

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Adam Poncio

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CIVIL ACTION NO. 2:12-CV-00082  
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ORDER FOR DEFENDANT TO PRODUCE  
LIST OF CLOSED LOOP OPERATORS

On this day came on for consideration Plaintiffs' Emergency Motion to Compel Defendant to Produce a List of Closed Loop Operators Employed From March 19, 2009, to present. Upon review of the pleadings and the applicable law, it was determined that the said Motion should be GRANTED.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that Plaintiff's Emergency Motion to Compel is hereby GRANTED and that Defendant shall respond in the following manner:

Defendant is ORDERED to Produce a List of Closed Loop Operators Employed During Any Period From March 19, 2009, to the present, in written and usable electronic format, with all known present and/or last known addresses, telephone numbers and the last four numbers of their social security numbers, for each closed loop operator specified as part of the conditional class. Defendant is ordered to produce such information to Plaintiffs' counsel on or before April 5, 2013.

SIGNED and ENTERED this \_\_\_\_ day of April, 2013.

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JUDGE PRESIDING